

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2616

Introduced by Assembly Member Hill

February 19, 2010

An act to amend Section 3017 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 2616, as amended, Hill. Elections: vote by mail ballots.

~~(1)~~ Existing law requires an elections official to count only those vote by mail ballots returned by mail that are received by the elections official or delivered to a polling place by the close of the polls on the day of the election that contain specified information. Existing law also requires the elections official to establish procedures to ensure the secrecy of any vote by mail ballot returned to a precinct polling place.

Existing law also requires procedures to track and confirm the receipt of voted vote by mail ballots and requires that this information be available by means of online access using the county’s elections division Internet Web site. Existing law requires the elections official to establish procedures to ensure the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used in tracking vote by mail ballots.

This bill would require the Secretary of State, when a specified statewide voter registration database is implemented, in coordination with county elections officials, to establish procedures to permit a voter by mail voter to find out whether his or her vote had been counted, and if not, the reason why, via online access on the ~~county’s~~ *Secretary of*

~~State's Internet Web site, or if none is available, by means of a toll-free telephone number for this purpose.~~

~~(2) By increasing the duties of local elections officials, the bill would impose a state-mandated local program.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3017 of the Elections Code is amended
2 to read:

3 3017. (a) All vote by mail ballots cast under this division shall
4 be voted on or before the day of the election. After marking the
5 ballot, the vote by mail voter shall do either of the following: (1)
6 return the ballot by mail or in person to the elections official from
7 whom it came or (2) return the ballot in person to any member of
8 a precinct board at any polling place within the jurisdiction.
9 However, a vote by mail voter who, because of illness or other
10 physical disability, is unable to return the ballot may designate his
11 or her spouse, child, parent, grandparent, grandchild, brother, sister,
12 or a person residing in the same household as the vote by mail
13 voter to return the ballot to the elections official from whom it
14 came or to the precinct board at any polling place within the
15 jurisdiction. The ballot must, however, be received by either the
16 elections official from whom it came or the precinct board before
17 the close of the polls on election day.

18 (b) The elections official shall establish procedures to ensure
19 the secrecy of any ballot returned to a precinct polling place and
20 the security, confidentiality, and integrity of any personal
21 information collected, stored, or otherwise used pursuant to this
22 section.

23 (c) On or before March 1, 2008, the elections official shall
24 establish procedures to track and confirm the receipt of voted vote

1 by mail ballots and to make this information available by means
2 of online access using the county's elections division Internet Web
3 site. If the county does not have an elections division Internet Web
4 site, the elections official shall establish a toll-free telephone
5 number that may be used to confirm the date a voted vote by mail
6 ballot was received.

7 (d) The provisions of this section are mandatory, not directory,
8 and no ballot shall be counted if it is not delivered in compliance
9 with this section.

10 (e) Notwithstanding subdivision (a), no vote by mail voter's
11 ballot shall be returned by any paid or volunteer worker of any
12 general purpose committee, controlled committee, independent
13 expenditure committee, political party, candidate's campaign
14 committee, or any other group or organization at whose behest the
15 individual designated to return the ballot is performing a service.
16 However, this subdivision shall not apply to a candidate or a
17 candidate's spouse.

18 (f) The Secretary of State, in coordination with county elections
19 officials, shall establish procedures to permit a vote by mail voter
20 to find out whether his or her ballot was counted and if not, identify
21 the reason why, by means of ~~online access using the county's~~
22 ~~Internet Web site. If the county does not have an Internet Web~~
23 ~~site, the elections officials shall establish a toll-free telephone~~
24 ~~number that may be used by the voter to confirm whether or not~~
25 ~~his or her vote was counted, and if not, the reason why~~ *accessing*
26 *the Secretary of State's Internet Web site.* This subdivision shall
27 become operative when, as determined by the Secretary of State,
28 VoteCal, the statewide voter registration database, is implemented.

29 ~~SEC. 2. If the Commission on State Mandates determines that~~
30 ~~this act contains costs mandated by the state, reimbursement to~~
31 ~~local agencies and school districts for those costs shall be made~~
32 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
33 ~~4 of Title 2 of the Government Code.~~